

REMARKS

Administrative Overview

In the Office Action mailed on August 18, 2009, claims 5–8 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1–12 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 5,239,462 (“Jones”) in view of U.S. Patent No. 6,603,487 (“Bennett”). After entry of this Response, claims 1–12 will be pending.

Claims 5–8 have been amended. Support for the amendments may be found, for example, in the application as originally filed, e.g., at claims 9–12, etc. We respectfully traverse the rejections in the order they were presented in the Office Action and request reconsideration of the claims in light of the preceding amendments and the discussion below.

The Amended Claims Satisfy 35 U.S.C. § 101

Claims 5–8 were rejected under 35 U.S.C. § 101 “since they are not tied to a machine and can be performed without the use of a particular machine.” In particular, claims 5–8 were said to be non-statutory “since they may be performed within the human mind.”

As amended, claims 5–8 now identify the apparatus that accomplishes the method steps. For these reasons, we respectfully submit that amended claims 5–8 encompass statutory subject matter and satisfy 35 U.S.C. § 101.

The Claims are Patentable over Jones and Bennett

All of the pending claims in this case have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Bennett.

As was previously noted in the Request for Continued Examination filed with the Office on January 23, 2009, Bennett appears to have been filed on October 31, 1996. On May 21, 2009, the Office granted our Petition under 37 C.F.R. § 1.78(a)(3) and issued a corrected filing receipt recognizing that this application claims a priority date of September 12, 2005. Accordingly, Bennett is unavailable as prior art in this case and the instant rejection is clear error.

Moreover, for the Office to demonstrate a *prima facie* case of obviousness under 35 U.S.C. § 103, the supporting prior art references when combined must teach or suggest all of the limitations of the claim at issue. See MPEP § 2143. All three of independent claims 1, 5, and 9 require “receiving content from said plurality of funding sources.” Independent claim 1 provides

this element through executable instructions, and independent claims 5 and 9 provide this element through a communications interface.

The Office Action cites Jones for this element. Office Action at 4. In particular, the Examiner cites the discussion of a notice letter for a particular borrower which includes the identity of the lender, approval status, and maximum loan amount available, among other information related to the funding decision as “content.” See Jones at col. 7, ln. 18–30. However, the notice letter cited in Jones is merely part of the claimed “funding decision.”

As the notice letter is part of the claimed “funding decision,” it cannot simultaneously satisfy another claim element, i.e., “receiving content from said plurality of funding sources.” There is no additional receiving and delivery of content in Jones, as is required by the present claims.

For these reasons, we respectfully submit that independent claims 1, 5, and 9, and the remaining claims, which depend therefrom, are patentable over Jones and Bennett, either taken individually or in combination, and hereby request the withdrawal of these rejections.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all grounds of rejection and objections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

Date: November 18, 2009

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